THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 20250 of 2007

Dated: 26.10.2007

Between:

Y.S. Ramakrishna

… Petitioner

AND

The Kakinada Municipal Corporation,
Rep., by its Commissioner,
Kakinada, East Godavari District
& others.

… Respondents

Counsel for the petitioner : Sri S.M. Subhan

Counsel for respondent No.2 : Sri E. Madhan Mohan Rao

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 20250 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to declare the action of respondent No.3 in permitting respondent No.2 to construct a prayer hall (Church) vide proceedings dated 27.06.2007, as illegal and arbitrary.

The petitioner claims to be the owner of premises bearing Door No.8-24-36 situated at Gandhinagar, Kakinada and respondent No.2 has been constructing a Church on the site adjacent to the site belonging to the petitioner. The petitioner averred that he along with his neighbours raised an objection to respondent No.3 and in spite of the same he issued proceedings dated 27.06.2007, whereby respondent No.2 was permitted to construct the prayer hall.

Respondent No.2 filed a counter-affidavit.

Sri S.M. Subhan, learned counsel for the petitioner submitted that respondent No.3 has no jurisdiction to grant permission and therefore the impugned proceedings are liable to be set aside.

Sri E. Madhan Mohan Rao, learned counsel for respondent No.2 submitted that under clause 5 (3) of scheduled-III of the Andhra Pradesh Municipalities Act, 1965 no site shall be used for the construction of a building intended for public worship or

religious purposes without the prior approval of the Collector of the District. He therefore submits that it is the District Collector, who is the competent authority to grant permission, had rightly accorded the same.

In my view, this writ petition is wholly misconceived. The petitioner failed to point out violation of any of his rights having been affected. In the absence of any of his rights being violated, the petitioner cannot maintain this writ petition more so when permission for construction of a prayer hall was granted on the site, which admittedly belongs to respondent No.2. Even if some inconvenience is caused to the petitioner as alleged which plea of course is not substantiated, that by itself cannot be a ground to prevent the 2nd respondent from constructing a prayer hall.

For the aforementioned reasons, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP.No.26141 of 2007 filed by the petitioner for interim relief is also dismissed.

C.V. NAGARJUNA REDDY, J

Date: 26.10.2007
ES